

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 953 OF 2012

Sambappa s/o. Trimbakappa
Girwalkar

....Petitioner.

Versus

The State of Maharashtra
and others

....Respondents.

Mr. S.V. Natu, Advocate for petitioner.

Mr. P.N. Mule, APP for State.

Mr. T.G. Gaikwad h/f. Mr. V.D. Salunke, Advocate for respondent
No. 2.

CORAM : T.V. NALAWADE, J.
DATED : 24th June, 2015.

ORDER :

1. The petition is filed to challenge the orders made on Exhs. 1, 81 and 83 made by the learned Judicial Magistrate, First Class, Latur in STCC No. 5205/2006. Both the sides are heard.

2. The petitioner is the President of one educational trust. One Suresh was working as incharge Principal of College of this educational trust. On 1.11.2006 when he was present in the campus of the college, the persons like Manohar Patil, Abhimanyu Rasure and other five to six persons entered the cabin of Principal and occupied the chairs. They showed some

documents to Suresh and said that they were real trustees and persons, who had control over the educational trust. Upon that, Suresh said that to him the charge was given by the Secretary Shri. Vijaykumar Shete of the post of Principal and he would like to ascertain the things for taking the decision. Manohar Patil and others insisted him to hand over the charge to Mohan Buke. They took the keys of the cabin of Principal and due to this, Suresh was required to leave the cabin of Principal. He gave report to police on 7.11.2006 and the crime came to be registered for offences punishable under sections 448, 341, 504, 506 etc. of I.P.C. against the aforesaid persons. The police filed case in the said crime. In the said crime, the accused filed application for discharge. They filed record like change reports, appointment order in respect of one of the accused. The learned APP opposed the application by contending that it was summons case and discharge was not possible. The learned J.M.F.C. rejected the application filed for discharge. Then joint application was filed by accused and original complainant Suresh and they requested for permission to compound the offence. The J.M.F.C. held that the main offences were compoundable and so, permission was granted under section 320 (3) of Cr.P.C. and the matter was compounded and the accused were acquitted.

3. It is the case of petitioner that he is the President of the trust and unless and until there was permission of the trust for compounding, Suresh ought not to have signed the document filed for compounding offences. There appears to be dispute with regard to the management of the trust. Action was taken by police on the basis of report given by Suresh and he was restrained from sitting in the cabin. In view of the nature of dispute and aforesaid circumstances, this Court holds that it is not possible to interfere in the order made by the learned J.M.F.C. of granting permission to compound the offence.

4. In the result, the petition stands dismissed.

[T.V. NALAWADE, J.]

ssc/